

**Amendments to the Claims:**

This listing will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (withdrawn). A method for treating ischemic congestive heart failure comprising the steps of:

- identifying akinetic tissue within a heart chamber wall;
- making an incision through the akinetic tissue in the chamber wall;
- placing a patch inside the chamber wall;
- excluding the akinetic tissue through suturing wherein the suture comprises a superelastic or shape memory material; and
- closing the incision.

Claim 2 (withdrawn). The method of Claim 1 further comprising using a purse-string stitch to exclude the akinetic tissue.

Claim 3 (withdrawn). The method of Claim 1, wherein the suture comprises nitinol.

Claim 4 (withdrawn). The method of Claim 1, wherein the suture comprises more than one material.

Claim 5 (withdrawn). The method of Claim 1, wherein the step of making an incision comprises using an endoscope with an incising tip.

Claim 6 (withdrawn). The method of Claim 1 further comprising the step of inserting a shaping device into the chamber through the incision, said shaping device comprising compliant material.

Claim 7 (withdrawn). The method of Claim 1 further comprising the step of inserting a shaping device into the chamber through the incision, said shaping device being self-expanding.

Claim 8 (withdrawn). The method of Claim 1, wherein the patch comprises a superelastic or shape memory material.

Claim 9 (withdrawn). The method of Claim 1, wherein the patch is configured to engage the ventricle wall to limit the movement of the patch relative to the ventricle wall.

Claim 10 (withdrawn). The method of Claim 1, wherein the step of identifying akinetic tissue comprises providing one or more images to a computer.

Claim 11 (withdrawn). The method of Claim 1 further comprising the steps of providing one or more images to a computer, and using the computer to determine when to perform the method.

Claim 12 (withdrawn). The method of Claim 11, wherein images of the heart at different time intervals can be saved.

Claim 13 (withdrawn). The method of Claim 11, wherein two or more persons using different computers can view the model.

Claim 14 (withdrawn). The method of Claim 1 further comprising the steps of providing one or more images to a computer, and using the computer to determine an appropriate size for one or more devices.

Claim 15 (withdrawn). The method of Claim 1, wherein the suture comprises three sections such that the section in the middle along the length of the suture comprises a superelastic or shape memory material.

Claim 16. (canceled).

Claim 17 (canceled).

Claim 18 (canceled).

Claim 19 (canceled).

Claim 20 (canceled).

Claim 21 (withdrawn). A method for treating a heart related ailment in a patient comprising the steps of:

identifying akinetic tissue within a heart chamber wall;

making an incision through the akinetic tissue in the chamber wall;

placing one or more patches inside the chamber wall;

excluding the akinetic tissue through suturing wherein the suture comprises a superelastic or shape memory; and

closing the incision.

Claim 22 (withdrawn). The method of Claim 21, wherein said heart related ailment comprises congestive heart failure.

Claim 23 (withdrawn). The method of Claim 21, wherein said heart related ailment comprises ischemic congestive heart failure.

Claim 24 (withdrawn). The method of Claim 21, wherein said heart related ailment comprises heart failure associated with regional wall -motion abnormally.

Claim 25 (new). A surgical restoration kit comprising:

a shaping device; and

an elongate suture having a plurality of sections wherein at least one of said sections comprises a superelastic or shape memory material.

Claim 26 (new). The surgical restoration kit of Claim 25 further comprising:

a patch.

Claim 27 (new). The surgical restoration kit of Claim 25 whereby the elongate suture forms a non-circular purse-string stitch that excludes akinetic tissue of a heart.

Claim 28 (new). The surgical restoration kit of Claim 25 whereby the shape memory material is nitinol.

Claim 29 (new). The surgical restoration kit of Claim 25 whereby the suture comprises more than one material.

Claim 30 (new). The surgical restoration kit of Claim 25 whereby said shaping device is a compliant material.

Claim 31 (new). The surgical restoration kit of Claim 25 whereby said shaping device is self-expanding.

Claim 32 (new). The surgical restoration kit of Claim 26 whereby the patch includes a superelastic or shape memory material.

Claim 33 (new). The surgical restoration kit of Claim 26 whereby the patch is configured to engage a ventricle wall of a heart to limit the movement of the patch relative to the ventricle wall.

Claim 34 (new). The surgical restoration kit of Claim 25 whereby the suture includes three sections such that the section in the middle along the length of the suture is the superelastic or shape memory material.

Claim 35 (new) A non-circular purse-string stitch comprising:  
a plurality of first sutures, the first sutures being formed from a first material;  
a plurality of second sutures, the second sutures being formed from a second material, the second material being a superelastic or shape-memory material; and

a plurality of third sutures, the third sutures being formed from a third material, whereby the second sutures are connected to the first and third sutures via a transitional segment, and when the first, second and third sutures are properly cinched down in tissue, the first, second and third sutures take on a distinctly non-circular shape.

Claim 36 (new). The non-circular purse-string stitch of Claim 35 whereby said first and third sutures are a synthetic material.

Claim 37 (new). The non-circular purse-string stitch of Claim 35 whereby said first and third sutures are a natural material.

Claim 38 (new). The non-circular purse-string stitch of Claim 35 whereby the non-circular purse-string stitch excludes akinetic tissue of a heart.

Claim 39 (new). The non-circular purse-string stitch of Claim 35 whereby the shape memory material is nitinol.

Claim 40 (new). An elongate surgical suture comprising:  
at least two standard sections being formed from a first material; and  
at least one annealed section being formed from a second material, the second material being a superelastic or shape memory material;  
whereby the annealed section is connected to the standard sections via a transitional segment, and when the standard and annealed sections are properly cinched down in tissue, the standard and annealed sections form a non-circular purse-string stitch.

Claim 41 (new). The elongate surgical suture of Claim 40 whereby the non-circular purse-string stitch excludes akinetic tissue of a heart.

Claim 42 (new). The elongate surgical suture of Claim 40 whereby the shape memory material is nitinol.

Claim 43 (new). The elongate surgical suture of Claim 40 whereby the standard sections are a synthetic material.

Claim 44 (new). The elongate surgical suture of Claim 40 whereby the standard sections are a natural material.

Claim 45 (new). The elongate surgical suture of Claim 40 whereby at least one needle is attached to at least one standard section.

Claim 46 (new). The elongate surgical suture of Claim 40 whereby the transitional segment is tapered.

Claim 47 (new). The elongate surgical suture of Claim 40 whereby the surface of the annealed section is lubricated.

Claim 48 (new). The elongate surgical suture of Claim 45 whereby the needle may be bonded to the standard section.

Claim 49 (new). The elongate surgical suture of Claim 40 whereby an end of the annealed section utilizes interlocking components to permit closure and securing.